

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peter Tavernese Jr. Examiner: Nguyen, Quynh H.
Serial No.: 09/745,305 Group Art Unit: 2642
Filed: December 21, 2000 Confirmation No: 2060
Title: **CUSTOMER SERVICE RESPONSE SYSTEM FOR INTERACTION WITH
CUSTOMER SERVICE AGENTS**

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' BRIEF PURSUANT TO 37 C.F.R. § 41.37

Sir:

In accordance with a Notice of Appeal, filed on September 2, 2008, Applicants submit this Appellants' brief.

Enclosed herewith are a check for the fee of \$540.00 for filing of a brief in support of an appeal and a check for the fee of \$130.00 for one-month extension of time to file the brief. The Commissioner is authorized to charge any fees that may be due or credit overpayment to the undersigned's deposit account no. **50-0311**, customer number **35437**, attorney docket no. **27996-133**.

(i). **Real Party-in-Interest:** All rights to the above referenced patent application have been assigned to:

Nortel Networks Limited
World Trade Center of Montreal
380 St. Antoine Street West, 8th Floor
Montreal, Quebec H2Y 3Y4, CANADA

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(ii). **Related Appeals and Interferences:**

Appellants previously filed an Appeal Brief on May 14, 2007 in the present application. As a result of filing the May 14, 2007 Appeal Brief, the Examiner has reopened prosecution of the present application by mailing an Office Action on November 1, 2007 containing rejections of Appellants' claims over newly found references. Rejections based on previous references have been withdrawn. No decision by the Board of Appeals and Interferences have been issued as a result of May 14, 2007 Appeal Brief. There are no known other appeals or interferences that would directly or indirectly affect the Board's decision in the present appeal.

(iii). **Status of the Claims:**

Claims 1 and 3-29 are pending in the U.S. Patent Application Serial No. 09/745,305 ("305 application"). Claims 1 and 3-29 are pending, stand rejected and are currently on appeal. Claim 2 has been previously cancelled without prejudice or disclaimer. Status of each claim is indicated in the enclosed Claims Appendix.

Claims 1 and 3-29 stand rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,687,241 to Goss (hereinafter, "Goss") in view of U.S. Patent No. 5,526,417 to Dezonno (hereinafter, "Dezonno").

(iv). **Status of Amendments:**

- (a) A First Office Action was mailed July 2, 2003.
- (b) A Response to the First Office Action was filed October 2, 2003, traversing the Examiner's rejections.
- (c) A Second Office Action was mailed December 22, 2003.
- (d) A Response to the Second Office Action was filed March 24, 2004, traversing the Examiner's rejections.

- (e) A Third Office Action was mailed June 18, 2004.
- (f) A Response to the Third Office Action was filed September 17, 2004, traversing the Examiner's rejections.
- (g) A Final Office Action was mailed April 22, 2005.
- (h) An Interview with the Examiner was conducted on June 30, 2005, again traversing the Examiner's rejections.
- (i) A response to the Final Office Action was filed July 12, 2005, traversing the Examiner's rejections.
- (j) An Advisory Action was mailed August 9, 2005.
- (k) A Request for Continued Examination was filed August 22, 2005, traversing the Examiner's rejections.
- (l) An Office Action was mailed October 27, 2005.
- (m) A Response to the October 27, 2005 Office Action was filed January 27, 2006, traversing the Examiner's rejections.
- (n) An Office Action was mailed April 19, 2006.
- (o) A Response to the April 19, 2006 Office Action was filed July 19, 2006, traversing the Examiner's rejections.
- (p) A Final Office Action was mailed October 13, 2006.
- (q) A Response to the October 13, 2006 Final Office Action was filed December 13, 2006, traversing the Examiner's rejections.
- (r) An Advisory Action was mailed January 11, 2007.
- (s) Notice of Appeal was filed February 13, 2007.

- (t) An Appellants' Appeal Brief was filed on May 14, 2007, appealing and traversing Examiner's rejections.
- (u) A Notification of Non-Compliant Appeal Brief (37 C.F.R. 41.37) was mailed On June 25, 2007.
- (v) An Appellants' Amended Appeal Brief was filed on July 5, 2007, correcting informalities objected to in the June 25, 2007 Notification.
- (w) Pursuant to August 7, 2007 telephone conversation with Examiner Young, an amendment to Section III of the Appellants' Amended Appeal Brief was filed on August 7, 2007, correcting additional informalities in the July 5, 2007 Appellants' Amended Appeal Brief.
- (x) An Office Action was mailed on November 1, 2007, whereby prosecution of the present application has been reopened.
- (y) A Response to the November 1, 2007 Office Action was filed on February 1, 2008, traversing Examiner's rejections.
- (z) A Final Office Action was mailed May 2, 2008.
- (aa) A Response to the May 2, 2008 Final Office Action was filed on July 2, 2008, again traversing Examiner's rejections.
- (bb) An Advisory Action was mailed July 17, 2008.
- (cc) A Notice of Appeal along with a Pre-Appeal Brief Request for Review was filed on September 2, 2008, yet again traversing the Examiner's rejections
- (dd) A Notice of Panel Decision from Pre-Appeal Brief Review was mailed October 30, 2008.

(ee) No claim amendment was filed after either the September 2, 2008 Notice of Appeal with a Pre-Appeal Brief Request for Review or the October 30, 2008 Notice of Panel Decision.

(v). **Summary of the Claimed Subject Matter:**

Applicants note that claims 1 and 3-29 stand and fall together. However, as required by MPEP 1205, 37 C.F.R. 41.37(c)(1)(v), Applicants provide herewith specification reference points for each element in the independent claims 1, 16, 27, and 28. Applicants note that these reference points are for exemplary purposes only and are not intended to limit the scope of claims 1 and 3-29.

At least, page 2, lines 11-15 and page 4, lines 5-10 of the present application's specification describe the preamble of claim 1: "Apparatus for caller information retrieval." At least page 4, lines 5-14 of the present application's specification describe: "a customer service response system (CSRS) capable of responding to an incoming telephone call from a calling party by playing a message to said calling party." At least page 5, line 17 to page 6, line 7 of the present application's specification describe: "a graphical user interface (GUI) electrically coupled to said CSRS and configured to receive and display information from said CSRS." At least page 2, line 15 and page 4, line 15 to page 5, line 1 of the present application's specification describe: "wherein said information received from said CSRS originates from said calling party." At least page 5, line 21 to page 6, line 3 and page 6, lines 15-17 of the present application's specification describe: "wherein via a soft-key or graphical button, said GUI is configured to selectively initiate another message being sent from said CSRS to said calling party."

At least page 2, lines 11-15 and page 4, lines 5-10 of the present application's specification describe the preamble of claim 16: "A method of servicing a call at a call center."

At least page 4, lines 5-14 and page 5, line 17 to page 6, line 7 of the present application's specification describe: "receiving information from a caller at a customer service response system (CSRS)." At least page 5, line 17 to page 6, line 7 of the present application's specification describe: "displaying said information on a graphical user interface (GUI)." At least page 5, line 17 to page 6, line 17 of the present application's specification describe: "employing a graphical button or soft-key on said GUI to prompt said CSRS to send a message to said caller." At least page 2, line 16-20 of the present application's specification describe: "transmitting said message for receipt by said caller."

In accordance with 37 C.F.R. 41.37(c)(1)(v), Appellants provide the following summary of claim 27, which includes "means plus function" elements as designated under 35 U.S.C. 112, sixth paragraph. Appellants provide reference points in the present application's specification to the description of a particular element in claim 27 and reference points to where structural and functional equivalents of each means-plus-function element of claim 27 are described in the specification. At least page 2, lines 11-15 and page 4, lines 5-10 of the present application's specification describe the preamble of claim 27: "A call center." By way of a non-limiting example, claim 27's "[a] call center" is described as follows:

"Figure 1 illustrates a block diagram of a typical interaction when a call is placed to a customer service call center which utilizes the present invention. A caller 10 places a phone call to the customer service call center, which employs the CSRS 20. Upon receiving the phone call, the CSRS 20 may answer the call. In an embodiment of the invention the customer service agent may answer the call directly at the customer service agents option (e.g. if there are very few incoming calls, etc.). Although this option is not required by the invention." (Specification, page 4, lines 5-10; Figure 1).

At least page 4, lines 5-14 and page 5, line 17 to page 6, line 7 of the present application's specification describe: "call system response (CSR) means for receiving information from a plurality of telephone calls and for playing a message in response to receipt of at least one of said

telephone calls.” By way of a non-limiting example, a structural equivalent of the “call system response (CSR) means ...” element of claim 27 is described in the present application’s specification at least as follows:

“Figure 1 illustrates a block diagram of a typical interaction when a call is placed to a customer service call center which utilizes the present invention. A caller 10 places a phone call to the customer service call center, which employs the CSRS 20. Upon receiving the phone call, the CSRS 20 may answer the call. In an embodiment of the invention the customer service agent may answer the call directly at the customer service agents option (e.g. if there are very few incoming calls, etc.). Although this option is not required by the invention.

When the CSRS 20 answers the call, it may play a greeting, such as the name of the company. The CSRS 20 may also provide automated menu information. For example, it may provide the caller 10 with the option of listening to his current balance, placing an order, speaking to a customer service agent, contacting a specific extension, or some other options.” (Specification, page 4, lines 5-14).

By way of a non-limiting example, a functional equivalent of the “customer service response (CSR) means...” element of claim 27 is described in the present application’s specification at least as follows:

“When the CSRS 20 answers the call, it may play a greeting, such as the name of the company. The CSRS 20 may also provide automated menu information. For example, it may provide the caller 10 with the option of listening to his current balance, placing an order, speaking to a customer service agent, contacting a specific extension, or some other options.” (Specification, page 4, lines 11-14).

“...CSRS 20 may prompt the caller for preliminary information. For example, it may prompt the caller for an account number, a name, etc. The caller 10 may provide this information using the touch-tone keypad. The CSRS 20 may have voice-recognition software, which is capable of translating the caller’s voice signals into digital information. Thus, the caller 10 may also provide this information simply by speaking the caller’s name, account number, etc. into the telephone. The CSRS 20 may repeat the inputted information to the caller 10 to ascertain whether it has been correctly entered into the system (although not required). If the inputted information was not correctly entered into the system, the caller 10 may be provided with an option to re-input the information.” (Specification, page 4, line 15 to page 5, line 1).

At least page 5, line 17 to page 6, line 7 of the present application's specification describe: "graphical user interface (GUI) means coupled to said CSR means for displaying said information from said plurality of telephone calls." By way of a non-limiting example, a structural equivalent of the "graphical user interface (GUI) means..." element of claims 27 is described in the present application's specification at least as follows:

"As illustrated in Figure 2, inputted information, passed from the CSRS 20 to the agent 30, may appear on the agent's computer display 100. The inputted information may appear as a pop up window 200 or it may appear in a default window that has been previously opened. This information may include account number, expiration date, name, etc.

Rather than speak to a customer immediately, however, the agent 30 may continue to utilize the CSRS 20 through a Graphic User Interface (GUI) on a telephone, computer, or telephone adjunct device. For example, the GUI may include an agent interaction menu 300 that includes a list of stock, customized, or customizable messages 400 which the agent 30 can transmit to the caller 10." (Specification, page 5, lines 13-21; Figure 2).

By way of a non-limiting example, a functional equivalent of the "graphical user interface (GUI) means..." element of claims 27 is described in the present application's specification at least as follows:

"As illustrated in Figure 2, inputted information, passed from the CSRS 20 to the agent 30, may appear on the agent's computer display 100. The inputted information may appear as a pop up window 200 or it may appear in a default window that has been previously opened. This information may include account number, expiration date, name, etc.

Rather than speak to a customer immediately, however, the agent 30 may continue to utilize the CSRS 20 through a Graphic User Interface (GUI) on a telephone, computer, or telephone adjunct device. For example, the GUI may include an agent interaction menu 300 that includes a list of stock, customized, or customizable messages 400 which the agent 30 can transmit to the caller 10." (Specification, page 5, lines 13-21; Figure 2).

At least page 5, line 17 to page 6, line 17 of the present application's specification describe: "wherein said GUI means includes a graphical button or soft-key for initiating a customized response to said information from said at least one of said telephone calls." By way of a non-

limiting example, the structural and function equivalents of the “wherein said GUI means...” element of claim 27 are described above in connection with the “graphical user interface (GUI) means...” and in the following passage in the present application’s specification:

“...For example, the GUI may include an agent interaction menu 300 that includes a list of stock, customized, or customizable messages 400 which the agent 30 can transmit to the caller 10. For example, by pressing a graphical button or a soft-key associated with one message, the agent 30 may prompt the caller 10 for the caller’s mother’s maiden name. The CSRS 20 will then voice-prompt the caller 10 to provide his/her mother’s maiden name. Such a voice prompt may be in a computerized voice, in the agent’s voice, in a third party’s voice or in some combination thereof. Once the caller speaks the name (or other requested information), or keys it in using the telephone keypad, into the telephone, the CSRS 20 may forward the information to the agent 30 as a sound file, or it may use its voice-recognition software to convert the information and forward it as digital information in a pop-up window 100 or in the default window. The interaction menu 300 may provide other message options as well. For example, a typical question asked by customer service agents is “How may we assist you today?” Such a question may be sent to the caller 10 as a prompt simply by choosing the appropriate button in the interaction menu 300 on the GUI. Because the agent 30 may retrieve information simply by interacting with the GUI rather than through an involved telephone conversation, the agent 30 may simultaneously service multiple callers. For example, the customer service agent could send a prompt to one or more customers while speaking with another customer, could broadcast the same prompt to multiple callers, etc.

The GUI menu may also have a button 500 so that the agent’s headset or telephone is activated, allowing the agent to verbally communicate with the caller. It may also have a button to de-activate the agent’s headset or telephone.”
(Specification, page 5, line 19 to page 6, line 17).

At least page 2, lines 11-15 and page 4, lines 5-10 of the present application’s specification describe the preamble of claim 28: “A call center.” At least page 4, lines 5-14, page 5, line 17 to page 6, line 7, page 6, lines 10-14 of the present application’s specification describe: “a customer service response system (CSRS) capable of simultaneously responding to a plurality of incoming telephone calls from a plurality of calling parties by playing a message for receipt by each of said calling parties.” At least page 5, line 17 to page 6, line 17 of the present application’s specification describe: “a graphical user interface (GUI) electrically coupled to said

CSRS, configured to display information from said CSRS that originated from at least one of said plurality of calling parties and to display at least one custom message which is selectable for playing with a graphical button or a soft-key.” At least page 4, lines 17-20 of the present application’s specification describe: “voice recognition software included within said CSRS.” At least page 4, line 17-19 of the present application’s specification describe: “wherein information from at least one of said calling parties is received by said CSRS as a voice signal.” At least page 2, line 11-13 of the present application’s specification describe: “wherein said voice recognition software is configured to convert said voice signal into a text message for display on said GUI.”

Appellants herein below provide a brief summary of the subject matter of the present invention, as required by 37 C.F.R. 41.37.

The present invention is directed to customer service response systems. Some embodiments of the present invention are directed to a customer service response system which enables a customer service agent to selectively automate a portion of the response.

(Specification, Page 1, lines 5-7). The present invention provides an ability to simultaneously communicate with multiple customers. (Specification, Page 2, lines 9-10).

Some embodiments of the present invention include a call center that has a customer service response system (“CSRS”) capable of responding to an incoming telephone call from a calling party by playing a message to the calling party and a graphical user interface (“GUI”) in electrical communication with the CSRS. The GUI is configured to receive and display information from the CSRS. The information received from the CSRS originates from the calling party. (Specification, Page 2, lines 11-15).

According to some embodiments of the present invention, a caller places a phone call to the customer service call center that employs CSRS. CSRS may answer the call. Alternatively, a customer service agent may answer the call directly. (Specification, Page 4, lines 5-10).

CSRS may play a greeting, when it answers the call. It can also provide automated menu information. (Specification, Page 4, lines 11-12). Based on the options chosen by the caller, CSRS may prompt the caller to provide some preliminary information (e.g., account number, a name, etc.). CSRS may have voice-recognition software that can translate caller's voice signals into digital information. Alternatively, the caller may use a touch tone keypad to provide the information. (Specification, Page 4, lines 15-20).

CSRS may also repeat inputted information back to the caller. If the information was not correctly entered into the system, the caller may be provided with an option to re-enter the information. (Specification, Page 4, line 20 to Page 5, line 1).

CSRS may pass inputted information to the customer service agent or it may act upon the information. It may contact a credit card authorization center when a caller is attempting to purchase an item by phone. CSRS may provide an approval message to the customer directly or to the customer service agent. It may also forward the call to an appropriate person. (Specification, page 5, lines 2-12).

Inputted information passed from CSRS may appear on the agent's computer display in a pop up window or in a default window that has been previously opened. (Specification, Page 5, lines 14-15).

The customer service agent may continue to utilize CSRS through a Graphic User Interface ("GUI") on a telephone, computer, or telephone adjunct device without speaking to the caller. The agent can press a graphical button or a soft-key associated with a message to be sent

to the caller, where the messages come from a list of stock, customized, or customizable messages. (Specification, Page 5, lines 17-22). This allows the agent to simultaneously service multiple callers. (Specification, Page 6, lines 9-12).

Based on the message (or the prompt contained in the message), the CSRS may then voice-prompt the caller for information requested in the message. The voice prompt may be a computerized voice, agent's voice, or a third party's voice or some combination thereof. Once the caller speaks the requested information (or keys it in using a telephone keypad), the CSRS forwards the information as a sound file or, alternatively, it may use its voice-recognition software to convert the information and forward it in a pop up or default window to the agent. (Specification, Page 6, lines 1-7).

CSRS may also be used in Internet chat sessions. The customer service agent may also simultaneously handle multiple chat sessions. The GUI can be partitioned into several windows, where each window contains individual pop-up windows with information relating to different callers. (Specification, Page 6, lines 18-22).

(vi). **Grounds of Rejection to be Reviewed on Appeal:**

Applicants contend that claims 1 and 3-29 are patentable and are not rendered obvious under 35 U.S.C. 103(a) by a combination of Goss and Dezonno.

(vii). **Argument:**

- A. Independent claims 1, 16, 27 and 28 are not rendered obvious under 35 U.S.C. 103(a) by combination of Goss and Dezonno.

In the October 13, 2006 Final Office Action, the Examiner stated

Regarding claim 1, Goss teaches a customer service response system (CSRS) (Fig. 1, call center 10) capable of responding to an incoming call from a calling party by playing a message to the calling party (col. 7, lines 21-31 - where Goss

discussed contact server 100 routes all calls to an IVR to collect information from the caller, hence playing a message to the calling party to greet the calling party and request for information); a graphical user interface (Fig. 1, workstation 14) electrically coupled to the CSRS (Fig. 1, workstation 14 coupled to call center A) and configured to receive and display information from the CSRS origin[ating] from the calling party (col. 9, lines 1-13).

Goss does not specifically teach via a soft-key or graphical button of the GUI is configured to selectively initiate another message being sent from the CSRS to the calling party.

Dezonno teaches via a soft-key (soft-key 41) or graphical button of the GUI is configured to selectively initiate another message ("postconversation voice messages") being sent from the CSRS to the calling party (col. 8, lines 2-6; col. 7, lines 6-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Dezonno into the teachings of Goss for the purpose of reducing the conversation handling time of the agent or operator so that the agent is available to take subsequent incoming calls which are waiting in queue for the agent service, which also reduces the holding time a customer waiting for an agent since the agent does not need to repeat farewell messages, as discussed by Dezonno (col. 7, lines 37-46). This also maintains agent's professionalism and energetic voice throughout the day, especially towards the end of the day when agents are tired. (Final Office Action, pages 2-3).

Additionally, in the Advisory Action, the Examiner stated

Applicant argues that Goss fails to disclose that a graphical user interface receives and display[s] inform from the CSRS... Examiner respectfully submits that Goss teaches agent workstation 14 of fig. 1 coupled to the CSRS via LAN 11a receives and displays information from the CSRS (col. 9, lines 1-13).

....Examiner respectfully submits that Dezonno teaches both preconversation/preannouncement (col. 2, lines 13-19) and postconversation messages (col. 8, lines 2-6, col. 7, lines 6-10)...Dezonno teaches selectively actuat[ing] a soft key for selectively playing one of the plurality of post conversation messages associated with an identified type of call (col. 9, lines 23-40) and reads on Applicant's claims limitation...The feature of actuating a soft-key to selectively initiate another message ("postconversation voice messages") being sent from the CSRS to the calling party in Dezonno does not teach away the teachings of Goss or in anyway destroy the teachings of Goss. (Advisory Action, page 2).

Applicants respectfully disagree with the Examiner's assertions above. Contrary to the Examiner's suggestions, neither Goss, nor Dezonno, nor their combination disclose, teach, or suggest all elements of the rejected claims 1 and 3-29.

Claim 1 recites, *inter alia*, an apparatus for caller information retrieval that includes a customer service response system (CSRS) capable of responding to an incoming telephone call from a calling party by playing a message to the calling party, and a graphical user interface (GUI) electrically coupled to the CSRS and configured to receive and display information from the CSRS, wherein the information received from the CSRS originates from the calling party, and wherein via a soft-key or graphical button, the GUI is configured to selectively initiate another message being sent from the CSRS to the calling party.

Goss relates to an enterprise contact server that enables customers to submit call-back request to agents located at any one of a plurality of call centers via the Internet or any other communications technology available. (Goss, Abstract). Goss's call center includes various components responsible for answering and routing contact requests and inbound calls, which include an automatic call distributor ("ACD") providing a telephony switching means, a call center contact server supporting agents, agent workstations, agent telesets, computer/telephony interface, and a LAN (e.g., Call Center A). (Goss, Col. 4, lines 20-46). Goss includes an Enterprise Voice Response Unit ("VRU") having an Interactive Voice Response ("IVR") system with a separate voice link associated with Goss's call center system. (Goss, Col. 4, lines 47-51). If the customer calls over the PSTN in to the call center, the call is routed to any ACD at any call center, then the ACD routes the call to the VRU that is able to collect information from the caller. (Goss, Col. 7, lines 22-31 and Col. 4, lines 54-55). Thus, components other than the IVR system (e.g., ACD, etc.) in Goss answer inbound calls or request for contact, but fail to play a

message to the calling party, contrary to the recitation of claim 1. The Examiner mistakenly refers to Goss's Col. 7, lines 21-31 (Final Office Action, pages 2-3), and states this section discloses "playing a message to the calling party", as recited in claim 1. In this section of its disclosure, Goss discusses an enterprise server 100 that enables use of a single telephone number for multiple services by enabling the data access points ("DAP") to route all calls to a single number to a VRU. As such, Goss is concerned with proper routing of calls, rather than playing messages to the calling parties, contrary to the recitation of claim 1. In fact, nowhere in Goss's disclosure, there is any mention that its system is capable of responding to an incoming telephone call from a calling party by playing a message to the calling party, contrary to the recitation of claim 1. Instead, Goss is concerned with routing a call to an appropriate VRU, wherein such routing is done based on a dialed number, ANI, time of day, etc. (Goss, Col. 10, lines 31-44).

Further, Goss's DAP and various other components of the Goss's system answer the call **prior** to forwarding it to the VRU that makes a determination to which agent the call should be forwarded. (Goss, FIGS. 4a-c; Col. 10, lines 30-44). (emphasis supplied). As stated above, prior to making a response to the calling party, Goss's enterprise contact service determines how to route the call (i.e., to which VRU) for collection of information from the caller. This is different than having a customer service response system capable of responding to an incoming telephone call from a calling party by playing a message to the calling party, as recited in claim 1.

Additionally, the information received from Goss's call center is not the information entered by the caller. Since Goss is concerned with routing the call to a proper VRU, prior to forwarding calls to a specific VRU (based on a number dialed, for example), Goss uses a dialed number, ANI, time of day, day of week, and load balancing algorithms information to determine

which VRU to route the calls to. (Goss, Col. 10, lines 34-39). This information is not provided by the caller, but instead, it is typically provided by a telephone company that connects the caller to the Goss's system. Once the information has been received from the telephone company by Goss's call center, the call center selects an appropriate VRU to route the call to, which then sends a request to a router to select a particular qualified agent to handle the call. (Goss, Col. 10, line 44 to Col. 11, line 17). Once, the agent is selected, the VRU forwards a call data that includes data for routing the call and data pertaining to the caller or service (e.g., bill payer ID, customer account data, caller-selected options). (Goss, Col. 11, lines 6-17). Thus, Examiner's statement in the Advisory Action ("...the information received from the VRU part of the CSRS originates from the calling party"(Advisory Action, page 2)) is incorrect. The information forwarded by the VRU does not originate from the calling party, as the calling party does not enter time of day, calling number, ANI, etc. (Goss, Col. 10, lines 34-39), but instead originates from the telephone company. Hence, Goss's data does not originate from the calling party, contrary to the recitation of claim 1.

Goss also fails to provide a graphical user interface electrically coupled to the CSRS and configured to receive and display information from the CSRS, as recited in claim 1. Goss discloses two types of systems: one workable with Web-based Enterprise Contact Server and the other one workable with PSTN type calling. (Goss, FIGS. 3a-c, 4a-b). The Examiner attempted to combine both systems into a single system without providing any type of support for this combination. Based on the disclosure of Goss, the two systems operate differently with regard to handling incoming calls. Goss's web-based system involves use of web servers to process incoming requests from customers, whereas Goss's PSTN type system involves use of a VRU to handle such calls. (Goss, FIGS. 3a-c, 4a-b). As such, the two systems are sufficiently different

and do not warrant a combination, as the Examiner improperly attempted to do in the Final Office Action and the Advisory Action by stating Goss includes a workstation coupled via LAN that receives and displays information from the CSRS. (Advisory Action, page 2). In rejecting present application's claims, the Examiner appears to mostly refer to Goss's PSTN type system with the exception of this element of claim 1. However, the Examiner fails to provide any motivation to combine the two types of systems.

Further, Goss's system uses screen-pops to display information entered on the web by customers requesting call-backs. (Goss, Col. 9, lines 1-13 and Col. 12, line 53 to Col. 13, line 7). In the in-bound call aspect of Goss's system, Goss fails to disclose that a graphical user interface receives and displays information from the CSRS, which is contrary to the Examiner's assertion (Final Office Action, page 3) and recitation of claim 1.

Thus, in addition to the Examiner's admission that Goss fails to disclose that via a soft-key or graphical button, the GUI is configured to selectively initiate another message being sent from the CSRS to the calling party element, Goss also fails to teach the above discussed elements of claim 1. As such, Goss fails to disclose all elements of claim 1, and thus, is allowable over Goss.

Dezonno fails to cure the deficiencies of Goss. Dezonno relates to an automatic call distributor ("ACD") with an automated post-conversation message system. (Dezonno, Abstract). (emphasis supplied). Dezonno includes a central processing unit ("CPU") that is programmed to initiate the playing of post-conversation voice messages in the voice of the agent handling the call in response to the agent terminating the call selectively actuating soft keys at the agent set. (Dezonno, Col. 8, lines 2-6). (emphasis supplied). Thus, the agent uses a soft key to terminate the call and not send another message to the calling party, contrary to the

recitation of claim 1. (emphasis supplied). Upon terminating the call, Dezonno's CPU sends a "goodbye" message to the caller. Dezonno distinguishes itself from the existing systems that play preannouncement greetings and states that those systems are not workable, as they require a telephone call between the customer and agent to be connected while the greeting message is being played. (Dezonno, Col. 2, lines 19-23). Dezonno further states that these systems do not increase call servicing efficiency and prevent agents from servicing other calls, which is contrary to the intent of Dezonno's system. (Dezonno, Col. 2, lines 23-27). As such, Examiner's statement that Dezonno teaches both types of messages (i.e., pre-conversation and post-conversation) (Advisory Action, page 2) is flawed. Instead, Dezonno teaches away from preannouncement messages.

Instead, to improve their call handling capabilities, Dezonno's agents use soft keys to **terminate** calls and as such Dezonno's CPU always sends a "goodbye" message to callers, rather than selectively initiate another message, contrary to the recitation of claim 1. (emphasis supplied). Hence, Dezonno's messages are played to the customer after the call between the customer and the agent has been terminated. Thus, Dezonno is different than present invention's GUI configured to selectively initiate another message being sent from the CSRS to the calling party, as recited in claim 1.

As such, neither Goss, Dezonno, nor their combination disclose, teach, or suggest all elements of claim 1.

As stated above, Goss relates to a system that handles requests for contact or inbound calls from customers to service agents. The purpose of Goss's system is to locate a qualified agent to handle customer's request for call back or inbound call. Goss does not seek to shorten call handling time and professionalism and/or alertness of its agents, as suggested by the

Examiner. (Final Office Action, pages 2-3). Instead, Goss uses available information to locate a skilled agent that can properly assist the customer. Further, Goss is concerned with pre-agent conversation aspects of customer-call-center communications. (emphasis supplied). In contrast, Dezonno deals with post call termination aspects of the customer-call-center communications. (emphasis supplied). Even though both systems may involve use of an automatic call distributor (“ACD”), it is not enough to yield a predictable result from their combination. Each system is concerned with a completely different stage of a call -- (1) prior to the beginning of a call (Goss) and (2) after the end of a call (Dezonno). As such, Goss’s system is not relevant to the goals of the Dezonno system. Specifically, Goss seeks to find the most qualified agent to handle the call, which clearly involves spending additional time with the caller prior to connecting the caller to the agent. Whereas, Dezonno seeks to shorten the time an agent spends with a caller by terminating the live contact *a priori* the agent saying goodbye to the caller. It appears that Goss seeks to provide a quality service to its customers, whereas Dezonno seeks to cut them off to save some time on saying “goodbye”. Hence, one having ordinary skill in the art would not look to Dezonno to solve the deficiencies of Goss, as they are directed to solving vastly different problems. As such, there is no motivation or suggestion to combine Goss and Dezonno, contrary to the Examiner’s suggestion.

The improper combination of the Goss and Dezonno fails to realize the present invention. The alleged combination of the references discloses a call center having a VRU system that further includes an ACD system with a central processing unit that allows the agent to terminate the call early using a soft key. However, the combination of Goss and Dezonno fails to disclose, teach, or suggest, *inter alia*, a customer service response system (CSRS) capable of responding to an incoming telephone call from a calling party by playing a message to the calling party, and a

graphical user interface (GUI) electrically coupled to the CSRS and configured to receive and display information from the CSRS, wherein the information received from the CSRS originates from the calling party, and wherein via a soft-key or graphical button, the GUI is configured to selectively initiate another message being sent from the CSRS to the calling party, as recited in claim 1.

Thus, even the improper combination of Goss and Dezonno does not render claim 1 obvious. As such, this rejection is respectfully traversed.

Claims 16, 27 and 28 are not rendered obvious by Goss alone or in combination with Dezonno for at least the reasons stated above with respect to claim 1. Thus, the rejections of claims 16, 27, and 28 are respectfully traversed.

Claims 3-15, 17-26, and 29 are dependent on independent claims 1, 16, and 27, respectively. Thus, claims 3-15, 17-26, and 29 are not rendered obvious for at least the reasons stated above with respect to claim 1. Thus, the rejections of claims 3-15, 17-26, and 29 are respectfully traversed.

CONCLUSION

All pending claims of the application are valid over the cited references. Allowance of the application is respectfully requested.

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Respectfully submitted,



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(viii). **Claims Appendix:**

Status of each claim is indicated in parenthesis following a number of a claim:

1. (Rejected) Apparatus for caller information retrieval comprising:

a customer service response system (CSRS) capable of responding to an incoming telephone call from a calling party by playing a message to said calling party;

a graphical user interface (GUI) electrically coupled to said CSRS and configured to receive and display information from said CSRS;

wherein said information received from said CSRS originates from said calling party;

wherein via a soft-key or graphical button, said GUI is configured to selectively initiate another message being sent from said CSRS to said calling party.

2. (Canceled)

3. (Rejected) The apparatus for caller information retrieval according to Claim 1 wherein said GUI displays a plurality of possible messages that may be sent from said CSRS to said calling party.

4. (Rejected) The apparatus for caller information retrieval according to Claim 3 wherein at least one of said plurality of messages is customizable.

5. (Rejected) The apparatus for caller information on retrieval according to Claim 1 wherein said CSRS further includes a voice recognition program which is capable of converting voice signals into text messages.

6. (Rejected) The apparatus for caller information retrieval according to Claim 1 wherein said CSRS further includes a voice recognition program which is capable of converting text messages into voice signals.
7. (Rejected) The apparatus for caller information retrieval according to Claim 1 wherein said GUI provides an option for bypassing said CSRS.
8. (Rejected) The apparatus for caller information retrieval according to Claim 1 wherein said CSRS is an adjunct to a telephone.
9. (Rejected) The apparatus for caller information retrieval according to Claim 1 wherein said CSRS is capable of responding to a plurality of incoming telephone calls from a plurality of calling parties by playing a message to each of said calling parties.
10. (Rejected) The apparatus for caller information retrieval according to Claim 1 wherein said CSRS is configured to receive voice and text messages.
11. (Rejected) The apparatus for caller information retrieval according to Claim 1 wherein said message is a voice message.
12. (Rejected) The apparatus for caller information retrieval according to Claim 1 wherein said message is a text message.
13. (Rejected) The apparatus for caller information retrieval according to Claim 1 wherein said message is a multimedia message.
14. (Rejected) The apparatus for caller information retrieval of Claim 1 wherein said CSRS is further capable of accessing a remote computer system in response to receipt of said information

from said calling party.

15. (Rejected) The apparatus for caller information retrieval of Claim 1 wherein said CSRS is further capable of forwarding said incoming call to another telephone number in response to receipt of said information from said calling party.

16. (Rejected) A method of servicing a call at a call center comprising:
receiving information from a caller at a customer service response system (CSRS);
displaying said information on a graphical user interface (GUI);
employing a graphical button or soft-key on said GUI to prompt said CSRS to send a message to said caller; and
transmitting said message for receipt by said caller.

17. (Rejected) The method according to Claim 16 further comprising selectively initiating from said GUI another message being sent from said CSRS to said calling party.

18. (Rejected) The method according to Claim 16 further comprising displaying on said GUI a plurality of possible messages that may be sent from said CSRS to said calling party.

19. (Rejected) The method according to Claim 18 further comprising customizing at least one of said plurality of messages.

20. (Rejected) The method according to Claim 16 further comprising converting a voice signal received from said calling party into a text message for display on said GUI.

21. (Rejected) The method according to Claim 16 further comprising converting a text message displayed on said GUI into a voice message for transmission to said calling party.

22. (Rejected) The method according to Claim 16 further comprising bypassing said CSRS and connecting said incoming telephone call to a telephone at said call center.

23. (Rejected) The method according to Claim 16 further comprising said CSRS responding to a plurality of incoming telephone calls from a plurality of calling parties by playing a message to each of said calling parties.

24. (Rejected) The method according to Claim 16 further comprising receiving at said CSRS at least one voice message and at least one text message.

25. (Rejected) The method according to Claim 16 further comprising said CSRS accessing a remote computer system in response to receipt of said information from said calling party.

26. (Rejected) The method according to Claim 16 further comprising said CSRS forwarding said incoming telephone call to another telephone number in response to receipt of said information from said calling party.

27. (Rejected) A call center comprising:

call system response (CSR) means for receiving information from a plurality of telephone calls and for playing a message in response to receipt of at least one of said telephone calls;

graphical user interface (GUI) means coupled to said CSR means for displaying said information from said plurality of telephone calls;

wherein said GUI means includes a graphical button or soft-key for initiating a customized response to said information from said at least one of said telephone calls.

28. (Rejected) A call center comprising:

a customer service response system (CSRS) capable of simultaneously responding to a plurality of incoming telephone calls from a plurality of calling parties by playing a message for receipt by each of said calling parties;

a graphical user interface (GUI) electrically coupled to said CSRS, configured to display information from said CSRS that originated from at least one of said plurality of calling parties and to display at least one custom message which is selectable for playing with a graphical button or a soft-key; and,

voice recognition software included within said CSRS;

wherein information from at least one of said calling parties is received by said CSRS as a voice signal;

wherein said voice recognition software is configured to convert said voice signal into a text message for display on said GUI.

29. (Rejected) The call center according to Claim 27 wherein said GUI means is further configured to display a plurality of messages, each selectable by a graphical button or a soft-key, that may be sent from said CSR to said calling party.

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(ix). **Evidence Appendix:**

Not Applicable.

(x). **Related Proceedings Appendix:**

Appellants previously filed an Appeal Brief on May 14, 2007 in the present application. As a result of filing the May 14, 2007 Appeal Brief, the Examiner has reopened prosecution of the present application by mailing an Office Action on November 1, 2007 containing rejections of Appellants' claims over newly found references. Rejections based on previous references have been withdrawn. No decision by the Board of Appeals and Interferences have been issued as a result of May 14, 2007 Appeal Brief. There are no known other appeals or interferences that would directly or indirectly affect the Board's decision in the present appeal.